

EXHIBIT 2
(Samango III Dep Excerpts)

Anthony John Samango, III

December 20, 2011

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
Civil Action No. CA-11-CV-00819 (JHS)

ANTHONY J. SAMANGO, JR.,

Plaintiffs,

-vs-

UNITED STATES OF AMERICA,

Defendant.

ORAL DEPOSITION OF:

ANTHONY JOHN
SAMANGO, III

* * * *

TUESDAY, DECEMBER 20, 2011

* * * *

MASTROIANNI & FORMAROLI, INC.

Certified Court Reporting & Videoconferencing

251 South White Horse Pike

Audubon, New Jersey 08106

856-546-1100

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1 Q. Are you on any type of medication that
2 could impair your ability to give truthful answers?

3 A. No.

4 Q. Are there any other reasons that you
5 can't testify truthfully today?

6 A. No.

7 Q. Would you please state your name for
8 the record?

9 A. Anthony John Samango, III.

10 Q. Do you go by any other names,
11 nicknames?

12 A. No.

13 Q. Who is Anthony Samango, Junior?

14 A. My father.

15 Q. Where do you live?

16 A. 2580 Brandon Court, Lansdale,
17 Pennsylvania.

18 Q. Do you live with your father?

19 A. Yes.

20 Q. And how long have you been living at
21 2580 Brandon Court?

22 A. More than five years.

23 Q. In 2005, where were you living?

24 A. I believe I was there.

25 Q. Are you familiar with the address 717

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1 South Columbus Boulevard, Philadelphia, Pennsylvania?

2 A. I believe I rented a condo there or an
3 apartment there a while back. It was an apartment.

4 Q. What is the name of the building?

5 A. Dockside.

6 Q. Dockside. Did you sign a lease?

7 A. Yes.

8 Q. And who did you rent it from?

9 A. The owner. I don't know who that was.

10 Q. And how long were you --

11 A. Several years.

12 Q. Do you know what years?

13 A. It was early 2000, early 2000s.

14 Q. Did it include 2005?

15 A. Possibly, I can't remember.

16 Q. Did you live alone?

17 A. Yes.

18 Q. What was the apartment number?

19 A. I don't remember right now.

20 Q. Was it a penthouse?

21 A. They didn't have penthouses there.

22 They were all one level, so I don't know.

23 Q. Was it the top floor?

24 A. Yes.

25 Q. So you lived on the top floor of this

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1 Dockside Avenue -- was that the name of the apartment
2 building, Dockside Avenue?

3 A. No, I think it was just Dockside.

4 Q. Okay. Did you ever use this as a
5 business address?

6 A. No.

7 Q. And how many bedrooms was it?

8 A. One.

9 Q. How was it that you decided to live at
10 Dockside?

11 How did you pick the apartment?

12 A. I don't know how to answer that
13 question.

14 Q. Were you looking for an apartment?

15 A. Yeah, I was looking for an apartment,
16 yes.

17 Q. How did you learn of this rental
18 property?

19 A. We did some work there, concrete work
20 there.

21 Q. Carson Concrete?

22 A. Yes.

23 Q. Did Carson Concrete build the
24 structure?

25 A. Yes.

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1 A. It would have been my father or myself.

2 Q. In 2005, you were an estimator,
3 correct?

4 A. Yes.

5 Q. And how long have you been an
6 estimator?

7 Were you an estimator before you became
8 vice president of Carson Concrete?

9 A. Yes.

10 Q. How long were you an estimator?

11 A. Well, I started in the office in 1999
12 right after college and I guess I was an assistant
13 estimator before that, I guess you would say.

14 Q. So you became the estimator in 1999?

15 A. No, I was assistant estimator in 1999
16 through -- I don't know the exact year. And then it
17 just kind of evolved to an estimator. It's pretty
18 much the same thing.

19 Q. So by 2005 you were the estimator?

20 A. Correct.

21 Q. Other than working at Carson Concrete,
22 have you been employed in any other way since you
23 graduated college?

24 A. After college, no.

25 Q. Are you an officer of any other entity

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1 from 1999 to the present?

2 A. From 1999 to present? Currently I'm a
3 partner in AJS Cranes and Creek Equipment, but right
4 now I can't remember anything else other than that.

5 Q. Were AJS Cranes and Creek Equipment in
6 existence in 2005?

7 A. No.

8 Q. In 2005, where was Carson Concrete
9 located?

10 A. In Conshohocken.

11 Q. What was the address?

12 A. 625 West Ridge Pike.

13 Q. Is Carson Concrete still located there?

14 A. No.

15 Q. Where is it located now?

16 A. Five Creek Parkway in Booth Wyn.

17 Q. And when was the move from Conshohocken
18 to Booth Wyn?

19 A. October, 2008.

20 Q. You mentioned you were an estimator in
21 2005. Other than being an estimator, did you oversee
22 employees of Carson Concrete?

23 MR. MARTIN: Objection to form. You
24 can answer.

25 THE WITNESS: I did some project

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1 a hundred percent sure, but that wasn't what I did.

2 Q. Were you ever an employee of CIP
3 Frames?

4 A. Not that I know of.

5 Q. Okay. Were you ever an officer of CIP
6 Frames?

7 A. No.

8 Q. Do you know who the president of CIP
9 Frames was?

10 A. I'm not really familiar with the
11 officers of that company.

12 Q. Your father testified that the
13 officer -- that the president of CIP Frames was a man
14 by the name of David Johnson who was not someone --
15 who was not the operating engineer who at certain
16 times had worked for Carson Concrete. Did you ever
17 meet the president of CIP Frames?

18 MR. MARTIN: Objection to form. You
19 can answer.

20 THE WITNESS: Like I said, I wasn't
21 sure of the officers. I mean I know who was
22 involved, I remember hearing that name, David Johnson
23 being involved with CIP Frames. I believe I met him.
24 It's been a while. I'm trying to think when it was.
25 Growing up I would go to some different -- I would go

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1 A. I don't remember exactly what the form
2 looked like, but I believe there was a form.

3 Q. Do you know who created this form?

4 A. No.

5 Q. What was CIP Frames?

6 A. I wasn't involved in it so I really
7 don't know a whole lot about it. I probably learned
8 more from reading some things from our attorneys than
9 I did back then, for sure.

10 Q. What --

11 A. My father would know more about that
12 than I would.

13 Q. What did you know back in 2005 about
14 CIP Frames?

15 A. I just remember hearing -- you know, I
16 knew the name, possibly, and that was about it. I
17 wasn't really involved. I remember seeing some
18 checks and some different things like that, but like
19 I said, I wasn't -- really wasn't what I did.

20 Q. You say you remember seeing checks.
21 What checks?

22 A. I just remember signing checks that had
23 that on the top that they were -- somebody would ask
24 me to sign if my father wasn't around.

25 Q. On what account, on the CIP Frames

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1 how that you would approve -- in 2005 you would go
2 over the hours of the different field workers and you
3 would approve the hours and then you would take these
4 approved time sheets and put them somewhere?

5 A. Right.

6 Q. And I don't know where --

7 A. Well, I put them in a box. I just
8 can't remember if it was labeled CIP or if it was
9 blank or if it was whatever, but when somebody saw
10 checks there, they would know what to do with them.
11 I just don't remember what the label of the box was.
12 They were just clear. Wasn't a folder, it was just a
13 clear box that was attached to the wall.

14 Q. So these time sheets were different
15 than the checks you would later sign?

16 A. Correct.

17 Q. Do you know where CIP Frames was
18 located?

19 A. No, I don't remember right now.

20 Q. Did you ever know where CIP Frames was
21 located?

22 A. Not that I remember right now.

23 Q. Do you know what CIP Frames did in
24 2005?

25 A. I mean I knew they were some sort of

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1 labor company, but that's about all I know.

2 Q. Did Carson Concrete have a business
3 relationship with CIP Frames?

4 A. I don't know how to answer that because
5 I wasn't really involved. I mean I know the name,
6 but I don't know what business relationship would
7 exactly mean, but I know that they did work together.

8 Q. In what fashion?

9 A. Some sort of labor company is really
10 the best I know.

11 Q. What do you mean labor company?

12 A. Well, I'm really -- I mean without
13 really guessing, I would rather not answer that
14 question.

15 Q. You were involved, you were the project
16 manager in the Waterfront Square project, correct?

17 MR. MARTIN: Objection to form.

18 THE WITNESS: Correct.

19 BY MS. SAIZ:

20 Q. In 2005.

21 And who were the field workers employed
22 by at the time?

23 A. I believe they were employed by CIP
24 Frames.

25 Q. So CIP Frames was providing the

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1 employees to Carson Concrete for the Waterfront
2 Square project?

3 A. That sounds about right, but like I
4 said, I wasn't involved in the dealings, so I'm not
5 sure exactly how it worked.

6 Q. Were there any Carson Concrete
7 employees on the Waterfront Square project?

8 A. Right now, I'm not sure. I can't
9 remember specifically.

10 Q. Okay.

11 A. I believe it was CIP Frames, though.

12 Q. You believe that they were CIP Frames?

13 A. Correct.

14 Q. Was James Hart a CIP employee during
15 the Waterfront Square project?

16 A. I think he was.

17 Q. And why do you think that?

18 A. Well, I just remember signing some
19 paychecks that were CIP Frames.

20 Q. To Mr. Hart?

21 A. Yes.

22 Q. And John Lewis, was John Lewis a CIP
23 Frames employee or a Carson Concrete employee?

24 A. I believe that all the guys at
25 Waterfront were CIP Frames, but like I said, I'm not

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1 A. I just said I don't remember the unit.

2 Can you read back what I just said? I just said I
3 don't remember the unit number.

4 Q. That you lived in?

5 A. Right.

6 Q. Do you know anything about CIP Frames'
7 address?

8 MR. MARTIN: Objection to form.

9 BY MS. SAIZ:

10 Q. You can answer.

11 A. I don't know what the question is.

12 Q. Do you know what CIP Frames' address
13 was --

14 A. No.

15 Q. -- in 2004?

16 A. I wasn't involved in any of that part
17 at all, so I don't know.

18 Q. Did your lack of involvement include
19 the incorporation of CIP Frames?

20 A. Yeah. I was not involved in that. I
21 don't remember any at all -- I remember signing
22 checks, like I said, in my father's absence is really
23 what my memory of the whole thing was.

24 Q. The whole thing being?

25 A. The whole CIP Frames.

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1 point I'm going to cut it off.

2 BY MS. SAIZ:

3 Q. You can answer.

4 A. There were some people in the general
5 building contractors association, I'm just trying to
6 think of their names that I met when I was younger.
7 There were some people in the carpenters company
8 which is not the carpenters union, it's more of a
9 networking -- networking different thing. I just --
10 like I said, it was a long time ago. I'm sure there
11 are other people, but just sitting here right now
12 with five people looking at me thinking of names that
13 are 20 years old.

14 BY MS. SAIZ:

15 Q. I can ask you later.

16 Were you involved in the incorporation
17 of CIP Frames?

18 A. No.

19 Q. In 2003 through 2005, did you have any
20 communication with the David Johnson who is the
21 president of CIP Frames?

22 A. What years was it?

23 Q. I said 2003 through 2005.

24 A. Did I personally? No.

25 Q. How about after 2005?

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1 not exactly how I sign it, I'm not saying somebody is
2 forging it, but I'm saying it's a little different,
3 but it's close. I guess I'll say it is.

4 MR. MARTIN: If you know.

5 BY MS. SAIZ:

6 Q. Do you know who else would have signed
7 your name?

8 A. No. I probably signed it, I'm not
9 saying that. It doesn't look like my normal
10 signature.

11 Q. When you look down at the mailing
12 address, do you know what address that is, do you
13 recognize that address?

14 A. 625 address?

15 Q. Correct.

16 A. Yes.

17 Q. What is that address?

18 A. The old office address.

19 Q. Carson Concrete?

20 A. Correct.

21 Q. Do you know, when you signed this, was
22 the document filled out?

23 A. Well, it says president of CIP which I
24 know I wasn't, so I don't think that was there. I'm
25 pretty sure that wasn't there. The rest of the

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1 document I can't remember exactly because it doesn't
2 really matter that much, but since I wasn't
3 president, there is no reason for that to be there.

4 Q. Do you know when you signed -- do you
5 know where you were when you signed this document?

6 A. No, not specifically.

7 Q. Did you ever go to the bank to sign?

8 A. No, not that I remember.

9 Q. Do you know who brought it to you?

10 A. No, I can't remember right now.

11 Q. You said your father asked you to be a
12 signatory on this account?

13 A. I don't know if he asked me
14 specifically, I just remember him saying something
15 about if he wasn't around, somebody would have to
16 sign certain checks, day-to-day-type checks.

17 Q. Do you remember discussing with him
18 whether David Johnson, the president of CIP Frames,
19 would be a signatory on the account?

20 A. I wasn't involved in that decision.

21 Q. So no?

22 A. No, I don't remember speaking about
23 that.

24 Q. And if you turn the page of Exhibit 3,
25 look at the top part, is that information related to

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1 A. I recognize my signature. I guess I'll
2 say the same as last time, it's a little different
3 than my normal signature.

4 Q. Do you have any reason to doubt the
5 authenticity of the signature?

6 A. Sitting here, no, not right now.

7 Q. And do you know what account this is
8 for?

9 A. No.

10 Q. From the face of the document can you
11 tell what the account number is?

12 A. Well, it looks like it's a Commerce
13 account that ends in 345 which is different than the
14 last one that we talked about.

15 Q. And again, the account holder, can you
16 tell who the account holder is?

17 A. CIP Frames is what it says on the top.

18 Q. And do you recognize that mailing
19 address?

20 A. That was the old Carson mailing
21 address.

22 Q. And when you filled out this
23 document -- when you signed this document which is
24 reflected in Exhibit 7, was the signature card filled
25 out?

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1 A. I guess I have the same answer as
2 before. I mean I don't remember specifically, but I
3 wouldn't have signed something that says president
4 knowing that I wasn't president, so I believe that
5 that wasn't there.

6 Q. And then turning to the second page
7 under where it says Anthony J. Samango, III, other
8 than the telephone number for your home number, is
9 everything else correct?

10 A. It is, but I don't remember seeing this
11 second page either. I don't remember there being a
12 second page.

13 Q. And the ID, excuse me, is your license
14 number?

15 A. Yes.

16 Q. And do you know what this account was
17 used for?

18 A. I'm not sure.

19 Q. I show you what's been marked as
20 Exhibit 8. If you need time to look at the --

21 A. I guess I have to see what I'm looking
22 for.

23 Q. And looking at the check, it says CIP
24 Frames, Inc, payroll 2.

25 MR. MARTIN: Where are you looking?

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1 Q. And is that your signature?

2 A. It looks like it.

3 Q. And when you signed this signature
4 card, was this document filled out?

5 MR. MARTIN: Objection to form. You
6 can answer it.

7 THE WITNESS: I'll answer the same way
8 I did the last two. I wasn't president of CIP, so I
9 wouldn't have signed under there. So I'm sure that
10 that wasn't there. The rest of it doesn't mean a
11 whole lot, so I don't know.

12 BY MS. SAIZ:

13 Q. Then on the second page under Anthony
14 J. Samango, III, other than the home phone numbers,
15 all the other information is accurate?

16 A. Looks like it, but once again, I don't
17 remember the second page.

18 Q. And under ID, that is your driver's
19 license?

20 A. Yes.

21 Q. And it's your Pennsylvania driver's
22 license?

23 A. Right.

24 Q. I'd like to show you what's been marked
25 as Exhibit 12. Can you tell from the first check

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1 I wasn't involved in that part of the business.

2 Q. So in 2005, you were signing checks on
3 a CIP Frames account, correct?

4 A. Well, I think we went over a lot of
5 them.

6 Q. Right. So the answer is yes?

7 A. Yes.

8 Q. And did you know who was the officer of
9 CIP Frames?

10 MR. MARTIN: Objection to form.

11 THE WITNESS: No, not at the time, I
12 mean I don't know the officers of any of the
13 companies we work with or for or under.

14 BY MS. SAIZ:

15 Q. When was it that you learned that David
16 Johnson was president of CIP Frames?

17 A. I don't remember the exact time. I
18 mean sitting here right now I remember -- I know that
19 recently I've known that from the different things
20 I've read. I just don't remember how far back it
21 goes.

22 Q. How did you make the connection between
23 the officer of CIP Frames and the individual you met
24 in the '90s?

25 MR. MARTIN: Objection to form. Asked

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1 A. I believe that my father told me at
2 some point that I met him earlier, but I don't
3 remember the exact context or when that was.

4 Q. What exactly did your father tell you?

5 A. I don't remember the exact context or
6 when that was so I can't answer what exactly he told
7 me if I don't remember the exact context.

8 Q. Was it before this litigation?

9 A. I believe it was, but like I said, I
10 don't remember the exact time or context of what it
11 was.

12 Q. Was it after the Waterfront Square
13 project?

14 A. I mean I remember at some point that
15 there was a company, CIP Frames. I don't know the
16 officers, like I said, who was the officer, I don't
17 know the specific details. But I know that my father
18 made some agreement with CIP Frames, but I don't know
19 who was the president and who was the officers. I
20 don't know those kind of details. And I obviously
21 signed a lot of checks that had that company on it so
22 I was aware of the company, but I don't know the
23 details.

24 Q. You said you were aware that your dad
25 got into an agreement with CIP Frames?

1 I was approving hours and signing checks in people's
2 absence is what I was doing. So no, I didn't -- I
3 said before, I didn't -- I wasn't involved in the
4 accounting part and I don't consider that accounting.

5 Q. Other than working with CIP on the
6 Waterfront Square project, did you or Carson Concrete
7 ever work with CIP Frames in any other projects?

8 A. I mean I can't answer for Carson
9 Concrete. I don't -- sitting here right now, I don't
10 remember any other projects for myself, but like I
11 said, I wasn't involved very much so I don't know the
12 answer. But I don't recall right now sitting here, I
13 don't recall my participation with CIP on other
14 projects.

15 Q. Other than the Waterfront Square
16 project?

17 A. Right.

18 Q. Do you know who was involved with the
19 incorporation of CIP Frames?

20 A. I believe I answered this before. I
21 wasn't involved in it so I'm not sure.

22 Q. Do you know who was?

23 A. No, I really wasn't involved. If
24 you're not involved, it's kind of hard to know.

25 Q. Did you have any talks with your dad